

Tentative Rulings

March 19, 2018

Department 11

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. **PLEASE NOTE:** Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self-represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

GDN OF SYNTHIA AMADOR AND TITO AMADOR

CASE NUMBER: 29144

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a visitation hearing. The matter was continued to today's date to confirm counsel for the minor. **An appearance is necessary on today's calendar to confirm counsel for the minor and to discuss setting the matter for contested hearing.**

GDN OF RYLEE ARISTO

CASE NUMBER: 29508

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Rylee Aristo. The Petition was filed by the minor's paternal grandparents (Stacy and Angelo Aristo). Letters of Temporary Guardianship issued on February 15, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The matter has been properly noticed, with proof of service on file. Consents and waivers of notice have been signed by the minor's parents. No objections have been raised. The paperwork otherwise appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed March 13, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the discretion of the Guardian, except no visitation or contact shall occur with the minor's parents until they have been actively involved in court ordered services for at least 60 days. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 18, 2019, at 1:30 p.m. in Department 11**. **No appearance is necessary on today's calendar.**

GDN OF MADYSON BENSON
CASE NUMBER: 27703

Tentative Ruling on Status of Guardianship: This matter is on calendar for Status of Guardianship. The hearing was set for today's date to report on the status of any pending adoption of the minor. **An appearance is necessary on today's calendar to apprise the Court of the minor's status.**

GDN OF KHAINE BIGLEY
CASE NUMBER: 29472

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The matter was continued to today's date to confirm counsel for the minor. **An appearance is necessary on today's calendar to confirm counsel for the minor and to discuss setting the matter for contested hearing.**

GDN OF VANDAL BOVEE
CASE NUMBER: 29362

Tentative Ruling on Petition for Appointment of Successor Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Successor Guardian of the Person of minor, Vandal Bovee. The Petition was filed by non-relatives (Heather and Bryan Gomes). Letters of Temporary Guardianship issued on February 16, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

There is no proper proof of service of the Notice of Hearing on file, as the submitted proof of service was unsigned. Service is therefore still needed on the minor's mother and maternal grandfather. Also, as this Petition is being brought by non-relatives, the additional service requirements found in Probate Code section 1540 et seq. will need to be followed. The Court has reviewed the CFS report, which recommends granting the Petition.

This matter is continued to **Monday, April 16, 2018, at 1:30 p.m. in Department 11** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition.**

GDN OF DOMINIC FIGUEROA CASE NUMBER: 28896

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was to have been submitted to the Court in advance of today's hearing. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and submit their Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF TYLER LEVIER CASE NUMBER: 29465

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The matter was continued to today's date to confirm counsel for the minor. **An appearance is necessary on today's calendar to confirm counsel for the minor and to discuss setting the matter for contested hearing.**

**GDN OF ATHENA RUIZ, REGINA-MARIE CROY, AND WILLIAM CROY
CASE NUMBER: 28278**

Tentative Ruling on Status of Guardianship: This matter is on calendar for Status of Guardianship. The hearing was set for today’s date after it came to the Court’s attention that the permanency of the Guardianship of Athena Ruiz was never finalized by the Court. Review of the file reflects that on November 9, 2015, the Hon. Molly Bigelow granted permanent guardianship for Regina-Marie Croy and William Croy, and continued the temporary guardianship of Athena Ruiz. Subsequently, the father of Athena filed a Petition for Termination of Guardianship on December 21, 2015. The Petition for Termination was denied on February 22, 2016. The Court finds that by denying the father’s Petition for Termination, the Court was granting the permanent guardianship of Athena Ruiz. Annual Review of her Guardianship is set to coincide with the November 5, 2018 Annual Review of the other minors. **An appearance is necessary on today’s calendar to discuss whether or not there are any objections to the Court’s findings.**

**GDN OF LYRIC SCHNEIBLE
CASE NUMBER: 29510**

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Lyric Schneible. The Petition was filed by the minor’s maternal grandparents (Ann and Floyd Hill). Letters of Temporary Guardianship issued on February 23, 2018. The Temporary Guardianship’s powers are set to expire today unless further extended.

The matter has been properly noticed, with proof of service on file. The paperwork otherwise appears to be in order. The Court has received an objection filed by the parents of the minor. Therefore, the Court intends to appoint the public defender’s office to represent the minor.

The Court has reviewed and considered the Court Investigator’s report filed March 14, 2018 which recommends that the petition for guardianship of the minor be granted.

The matter is continued to **Monday, April 9, 2018 at 1:30 PM in Department 11** for confirmation of counsel and setting of the contested hearing. The temporary guardianship is **Ordered** to remain in effect until the continued hearing date.

2:30 p.m.

**GDN OF CONLIN MERRICK
CASE NUMBER: 28602**

Tentative Ruling on Status of Guardianship: This matter is on calendar for Status of Guardianship. The hearing was set for today’s date to report on the status of visitation following reinstatement of the Guardianship. **An appearance is necessary on today’s calendar to apprise the Court of the minor’s status.**

